

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

|   |   |                                  |
|---|---|----------------------------------|
| U.S. NAVY SEALs 1-26;                         | ) |                                  |
|   | ) |                                  |
| U.S. NAVY SPECIAL WARFARE                     | ) |                                  |
| COMBATANT CRAFT CREWMAN 1-5;                  | ) |                                  |
|   | ) |                                  |
| U.S. NAVY EXPLOSIVE ORDNANCE                  | ) | Civil Action No. 4:21-cv-01236-O |
| DISPOSAL TECHNICIAN 1; and                    | ) |                                  |
|   | ) |                                  |
| U.S. NAVY DIVERS 1-3,                         | ) |                                  |
|   | ) |                                  |
| Plaintiffs,                                   | ) |                                  |
|   | ) |                                  |
| v.  | ) |                                  |
|   | ) |                                  |
| JOSEPH R. BIDEN, JR., in his official         | ) |                                  |
| capacity as President of the United States of | ) |                                  |
| America; LLOYD J. AUSTIN, III,                | ) |                                  |
| individually and in his official capacity as  | ) |                                  |
| United States Secretary of Defense;           | ) |                                  |
| UNITED STATES DEPARTMENT OF                   | ) |                                  |
| DEFENSE; CARLOS DEL TORO,                     | ) |                                  |
| individually and in his official capacity as  | ) |                                  |
| United States Secretary of the Navy,          | ) |                                  |
|   | ) |                                  |
| Defendants.                                   | ) |                                  |

**MOTION OF THE AMERICA FIRST POLICY INSTITUTE  
FOR LEAVE TO FILE BRIEF *AMICUS CURIAE***

In accordance with Local Rule 7.2(b), the America First Policy Institute (“AFPI”) respectfully moves for leave to appear as *amicus curiae* for the purpose of filing the attached brief supporting Plaintiffs.

As explained in the attached brief, AFPI “is a 501(c)(3) non-profit, non-partisan research institute. AFPI exists to conduct research and develop policies that put the American people first. Our guiding principles are liberty, free enterprise, national greatness, American military

superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.” AFPI, *About*, <https://americafirstpolicy.com/about/> (last visited Nov. 21, 2021).

AFPI consists of many former senior leaders of the United States government. Lieutenant General Keith Kellogg, United States Army (Retired), serves as AFPI’s Co-Chairman of the Center for American Security and previously served as the National Security Advisor to former Vice President Mike Pence and Chief of Staff and Executive Secretary of the National Security Council. The Honorable John Ratcliffe serves as Co-Chairman of the Center for American Security and previously served as the sixth Director of National Intelligence. Dr. Jacob Olidort is Director of the Center for American Security and recently served in the Office of the Vice President.

*Amicus* seeks to bring this experience and expertise to bear in assisting this Court in resolving the question before it of whether religious servicemembers should be forced to violate their deeply-held religious beliefs or face punitive or involuntary administrative separation. In particular, *amicus* seeks to illuminate the negative effects on American national security of a ruling against Plaintiffs.

In accordance with Local Rules 7.1(a) and 7.1(c), *amicus* certifies that it has been able to confer with attorneys for Plaintiffs but has not been able to confer with attorneys for Defendants regarding the relief requested in this motion, as a docket search shows that attorneys for Defendants have not yet made an appearance in this matter. Plaintiffs consent to the filing of this brief.

Respectfully submitted this 22nd day of November, 2021.

*/s/ Jessica Hart Steinmann*

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*Attorneys for Amicus Curiae*

*\* Application to be Admitted/Admitted Pro  
Hac Vice Forthcoming*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 22, 2021, this Motion of the America First Policy Institute for Leave to File Brief *Amicus Curiae* was filed through the Electronic Court Filing system and will be sent electronically to all parties as identified in the Notice of Electronic Filing.

*/s/ Jessica Hart Steinmann*

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